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Friday, April 4, 1997

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Federal Communications Commission
1919 M. Street N.W.
Washington, D.C. 20554

Re: CS Docket 97-55:

Please find attached nine (9) copies of my comments in connection with the Industry Proposal for Rating Video Programming.

I would like to receive copies of comments submitted to the Commission and also notices of Commission request for comments, rulemaking proceedings, or other activities in regard to this subject.

I am interested in testifying in person and in participating in the deliberations on this subject.

Sincerely,

Robert S. Block

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Friday, April 04, 1997

Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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Re: CS Docket No. 97-55

Formal Comments of Robert S. Block

Qualifications:

My qualifications for participation in this Docket are as follows, I am:

- a concerned parent and grandparent
- a shareholder and Director of Harriscop, Los Angeles, Ch 22. Also former founder and licensee of TV stations in Milwaukee and Miami.
- a founder and partner of Block & Associates, the owner of the MMDS E-Channel group in Houston Tx.
- the founder and former CEO of SelecTV, the first company (1978) to use rating based parental control.
- the founder and former owner of 55th largest advertising agency in the world.
- a founder and CEO of International Communication Technologies, a company specializing in communication infrastructure in emerging nations.
- a founding Trustee of the United States Sports Academy, a graduate school offering Masters and Doctoral degrees.
- an inventor of rating based Parental Control and Impulse Pay-Per-View. My patents are licensed to Scientific Atlanta, General Instruments, and others.

General theory of operation of my Parental Control inventions (e.g., US Patent # 4,225,884 and 4,528,589)

- Each program is labeled using a category ratings which describes the content of the program. These ratings may be MPAA type ratings or contain more content information with respect to the degree of violence, sex, and/or offensive language. The rating is sent continuously along with the program.
- Ratings can be sent in the Vertical Blanking Interval (VBI) or other convenient place, in or out of band.

- Using the TV set or set-top-box remote control, the viewer simply sets and locks the subscriber rating control to the upper limit of acceptable program ratings.
- The program rating limit set by the viewer is compared to the program rating.
- When a program of a higher rating is received, access to the program is denied.
- Of course it is simple for parents to set and lock the rating limit so that when children are viewing it can be set at one limit and when they are not present, another limit can be set.

My comments in this Docket and those that will follow are based on my experience as a parent, grand parent, television broadcaster, pay-television entrepreneur, advertising executive, international businessperson, educator, and inventor.

Information Labeling

Content ratings for television are labels that should tell consumers about certain characteristics of the program. Specifically sex, violence, and language. Their objective is to help consumers make informed choices.

We use labels every day to warn us of possible danger. We label medicines to inform users of their contents, uses, and possible harmful interactions with other medicines.

And we go further to protect our children. We package medicines in special ways to prevent children from getting products that would harm them. Making medicine packages hard for kids to open may cause adults some inconvenience, but protecting our children makes it well worthwhile.

We also label food. That way people can find out if it's loaded with fat, sodium, sugar, or preservatives they don't want to eat.

And we label cigarettes. We warn people that cigarettes kill. We require labels on imported products to show country of origin. Labels on garments show fabric content.

Labels on products are important because they help us make informed choices. It's no less important to label information so consumers can make informed choices about what they, and their children, see and hear. Indeed, content labeling of information will not only benefit parents, it will benefit everyone.

There appears to be substantial evidence that if we ignore the violence and sexual exploitation in the media today, family values are highly likely to keep fading. Without adequate and convenient information available to them, it is very difficult for parents to control what their children see and hear on television, the radio, or other media. At the other extreme, if we impose censorship and allow the transmission of only what some bureaucrats think will support family values, we lose our freedom of speech. For Americans, that's unthinkable.

There are many excellent example of how labeling information helps both consumers and information providers. For more than 28 years, the Motion Picture Association of America (MPAA) has been labeling motion pictures. And they've helped the motion picture industry immeasurably. Before the MPAA rated movies, each town imposed its own rating. Many people remember the time some movies were "banned in Boston." MPAA ratings are useful to parents in helping them to decide which movies to allow their children to see and which to avoid. They also help adults who may not wish to view strong themes, nudity, or extreme violence.

The cover, flyleaf, and table of contents of books, magazines, and other printed material are labels intended to tell people what is inside. They help people make informed choices. Without them fewer books, magazines and other publications would be sold or used.

Labeling information that is electronically distributed presents certain technical problems along with unusual opportunities. Nicholas Negroponti distinguishes between information, and information about information. Labels are information about information. Ratings are just one form of labeling.

It is obvious that providing content information about television programs poses many problems. But not providing it leaves us with far greater problems. Consumers must be provided with enough information so they can make informed choices. Content information and labeling technology in particular, must be provided to help parents gain control over their children's viewing.

Providing content information for television programs is simply an extension of labeling requirements to include a product that has extraordinary influence on the lives of everyone in this country, indeed, everyone in the world. Consumers are entitled to know what they are getting themselves in for before their children, or they are exposed to it. There is no reason that information should not be provided or can not be provided. The technology to make information labeling more informative, more friendly, easier to use, and advantageous to both consumers and providers of information is expanding rapidly. The actions of the Commission should anticipate future opportunity to serve the public.

The MPAA, NAB, NCTA proposal

In my opinion, the proposal of the MPAA, NAB, and NCTA falls short of an "acceptable" solution largely because it is proposed as the end solution. As a beginning solution, it is a positive step forward.

My own belief is that the Commission must recognize that the establishment of parental control ratings and other information labeling is a process that will change over time. Many factors will influence that change. Three of the most important will be consumer demand, technology advancement, and limits placed on the system by the Industry or the FCC.

The definition and use of ratings can not be separated from the technology that delivers it. That technology continues to develop and change so we must think about how the future technologies will be constrained by the rules set by the Industry or the Commission.

It is obvious from the Industry submission the proposal is designed to provide the least information that will be "barely satisfactory or adequate." I wonder if that is the standard the authors used when deciding what food to give their children, what schools to send them to, or what information they were exposed to. I also wonder if that is how they choose their own entertainment. I think not.

A fifteen second notice at the beginning of a program and a repeat of the message on the hour is not close to being acceptable, if acceptable is defined as "worthy of being accepted" or "adequate to satisfy a need, requirement, or standard" as American Heritage Dictionary defines it.

While age based ratings provide a useful guide, they are not adequate in themselves as the basis for informed choice. For example, toys are often age labeled. Our family would not think that just because a toy was labeled appropriate for 2 year olds, we would suspend all other judgment and get it for our grand daughter. Nor do I think any responsible parent would base their decision solely on the age rating for medicines, or other products which might have an age labeling component. Consumers want to know what is inside, not simply be told it OK for your 10 year old.

Digital Television

The Commission is acting on another matter which may at the outset appear unrelated. That is the licensing of digital television. In my view, these issues are very related. As we move forward in the digital world, labeling, bits about bits, becomes easier and more important. The Commission should think about information labeling in the broadest terms and be certain that the procedures and rules that are established in this matter take into consideration the technical advancements that are sure to come.

Recommendation

Content labeling does not mean we must limit choice to viewing or not viewing a program. Many viewers would find some programs acceptable, except for short segments of the audio or video. We can create a more sophisticated system that overcomes this problem. If audio and video are labeled separately and continuously, and the labels change with the program content, a system can be devised to automatically respond to each viewer's tastes and values. Viewers can decide what degree of sensuality, violence, and strong language they are ready to watch at a particular time. And labels could be quite sophisticated. Particular viewers might find war violence or medieval violence more acceptable than sexual violence. Others might feel the opposite way. Some will want to avoid any severe violence. Such a system could respond to viewer's in several ways. Here are two examples:

One-way is to bleep or mask only the audio and/or video that exceeds their selection.

Another, far more satisfying approach, would be to substitute appropriate audio and/or video for the inappropriate parts.

Based on how each viewer sets up the rating control, the system would automatically delete, cover, or substitute acceptable material, on a viewer-by-viewer basis. You see and hear what you want, I see and hear what I want. At the production/transmission level it would require only that you label the action and language and, where you feel it an advantage, provide substitute material.

Audio substitution is quite easy to do with technology now available. Substituting video is more complex for TV broadcast transmissions because of their limited bandwidth. But many cable-TV and satellite-TV operators already have the bandwidth needed to provide this service. In the future, when digital TV is widely distributed, substituting video will become relatively easy.

The standards and technologies developed for television are likely to affect other media as well. Both audio and video substitution are within the capability of video disks, CDs, and ROM memory. They can store original and substitute video and audio, and present the appropriate version based on the user's setting of a control on the playback device. Audio is easily substituted on videotape, and perhaps substitute video could also be developed.

To achieve this type of system will require the provision of detailed content information. By establishing standard categories and objective measures of degree the system would serve consumers and producers and stimulate the development of technologies with beneficial long term implications. The industry already uses standards by which they judge a program. Programs should carry all the basic content information directly to consumers so they can create their own ratings.

When we look at information labeling as a means of responding to users' tastes, it leads to opportunities that expand user's choice. Programs can be labeled for many characteristics in addition to sex, language, and violence.

A program can be labeled as a love story, adventure, comedy, tragedy, horror, science fiction, or other category and used as a search tool to help viewers electronically find the program that suits their mood.

"How to" programs can be labeled novice, intermediate, or expert, presenting the right level of information to each viewer.

Electronic labels can stimulate new marketing opportunities. For example, the source of products or services shown in programs could be included as electronic labels. That way, when viewers see or hear something they like in a program, they can find out where to buy it by pressing a button on their remote control to display the label on the screen. This might apply to clothing, appliances, music, and other products. Electronic labels could even include the phone number, price, and other information about the product or service. On fully interactive systems, customer could order the

about the product or service. On fully interactive systems, customer could order the product or service by using their remote control.

Electronic labeling will make things easier for viewers. With the large number of programs now available, viewers need help to find programs and other information they're interested in. Electronic labeling can provide that help. That will make TV sets with this feature more valuable to consumers. Viewers will be more able to select programs that meet their tastes and values and thus more satisfied with what they view. Fewer will be dissatisfied. Programs with electronic labels will be easier to find, parents will have more influence over what their kids see.

The technical know how for detailed electronic labeling and response to user settings is available today and can be used for television, video-on-demand, home video, music, electronic books, and for many other forms of information, education, and entertainment.

Even when children are not present, some adults are offended by vulgar language, explicit scenes or excessive violence. Given the chance to watch a program without these offending aspects, many people would enjoy programs more. The same is true for those who want to watch more graphic films. Why should they be limited to watching something watered down for the kids?

With TV programs labeled electronically and viewers given the means to make their choices known, everyone is served. Viewers gain by the expansion of informed choice, TV set manufacturers, program producers, and program distributors gain by providing customers with more of what they want, and society gains through freedom of choice, informed decisions, and parents who can determine what their children watch on TV.

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Submitted by:

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Please add me to the FCC mailing list so I may be kept informed of Commission activities in this field. I am willing to testify on this matter in person and participate in any Commission activities related to this subject.